

**WSR 19-05-003**  
**WITHDRAWL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Long-Term Support Administration)  
[Filed February 7, 2019, 9:27 a.m.]

The aging and long-term support administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 17-17-072 on August 15, 2017 (chapters 388-113 and 388-71 WAC), regarding background check consolidation.

Katherine I. Vasquez  
Rules Coordinator

**WSR 19-05-004**  
**WITHDRAWL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Long-Term Support Administration)  
[Filed February 7, 2019, 9:38 a.m.]

The aging and long-term support administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 17-12-099 on June 6, 2017 (chapter 388-97 WAC), regarding nursing homes.

Katherine I. Vasquez  
Rules Coordinator

**WSR 19-05-005**  
**WITHDRAWL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Long-Term Support Administration)  
[Filed February 7, 2019, 9:55 a.m.]

The aging and long-term support administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 16-19-064 on September 19, 2016 (chapter 388-97 WAC), regarding continuing care retirement communities.

Katherine I. Vasquez  
Rules Coordinator

**WSR 19-05-006**  
**WITHDRAWL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Long-Term Support Administration)  
[Filed February 7, 2019, 10:11 a.m.]

The aging and long-term support administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 17-12-096 on June 6, 2017 (chapter 388-78A WAC), regarding assisted living facilities.

Katherine I. Vasquez  
Rules Coordinator

**WSR 19-05-011**  
**WITHDRAWL OF**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Aging and Long-Term Support Administration)  
[Filed February 7, 2019, 11:34 a.m.]

The aging and long-term support administration requests the withdrawal of the preproposal statement of inquiry notice filed as WSR 17-12-098 on June 6, 2017 (chapter 388-76 WAC), regarding adult family homes.

Katherine I. Vasquez  
Rules Coordinator

**WSR 19-05-017**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**HEALTH CARE AUTHORITY**  
[Filed February 8, 2019, 10:28 a.m.]

Subject of Possible Rule Making: WAC 182-552-0400 Respiratory care—Continuous positive airway pressure (CPAP) device and supplies; and other related rules as appropriate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 41.05.021, 41.05.160.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The agency is adding coverage limits for mandibular advancement devices. During the course of this review, the agency may identify additional changes that are required in order to improve clarity or update policy.

Process for Developing New Rule: The agency welcomes the public to take part in developing this rule. If interested, contact the person identified below to receive an early rule draft to review. After the early review, the agency will send a notice of proposed rule making (CR-102) to everyone receiving this notice and anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Michael Williams, P.O. Box 42716,

Olympia, WA 98504-2716, phone 360-725-1346, fax 360-586-9727, telecommunication relay services 711, email michael.williams@hca.wa.gov, web site www.hca.wa.gov/about-hca/rulemaking.

February 12, 2019  
David Brenna  
Senior Policy Analyst

February 8, 2019  
Wendy Barcus  
Rules Coordinator

**WSR 19-05-029****PREPROPOSAL STATEMENT OF INQUIRY  
PARAEDUCATOR BOARD**

[Filed February 12, 2019, 3:46 p.m.]

Subject of Possible Rule Making: Chapter 179-11 [179-21] WAC, Career ladder, rules for regulating a paraeducator career ladder as in statute.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.203, 28A.410.062, 28A.630.400, 28A.660.040, 28A.660.042, and 28B.50.891.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Concerning a career ladder.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting David Brenna, 600 Washington Street, Olympia, WA 98504, phone 360-725-6238, fax 360-586-4548, email david.brenna@k12.wa.us, web site www.pesb.wa.gov.

February 12, 2019  
David Brenna  
Senior Policy Analyst

**WSR 19-05-030****PREPROPOSAL STATEMENT OF INQUIRY  
PARAEDUCATOR BOARD**

[Filed February 12, 2019, 3:50 p.m.]

Subject of Possible Rule Making: Chapter 179-13 WAC, English language learner certificate.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.203, 28A.410.062, 28A.630.400, 28A.660.040, 28A.660.042, and 28B.50.891.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: English language learner certificate requirements.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting David Brenna, 600 Washington Street, Olympia, WA 98504, phone 360-725-6238, fax 360-586-4548, email david.brenna@k12.wa.us, web site www.pesb.wa.gov.

**WSR 19-05-031****PREPROPOSAL STATEMENT OF INQUIRY  
PARAEDUCATOR BOARD**

[Filed February 12, 2019, 3:56 p.m.]

Subject of Possible Rule Making: Chapter 179-17 WAC, Authority, introductions to the policy and roles of the paraeducator board as determined in statute.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.203, 28A.410.062, 28A.630.400, 28A.660.040, 28A.660.042, and 28B.50.891.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Defining requirements for the advanced paraeducator [paraeducator] certificate.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting David Brenna, 600 Washington Street, Olympia, WA 98504, phone 360-725-6238, fax 360-586-4548, email david.brenna@k12.wa.us, web site www.pesb.wa.gov.

February 12, 2019  
David Brenna  
Senior Policy Analyst

**WSR 19-05-035****PREPROPOSAL STATEMENT OF INQUIRY  
PARAEDUCATOR BOARD**

[Filed February 13, 2019, 12:34 p.m.]

Subject of Possible Rule Making: Chapter 179-11 WAC, General certificate, rules for regulating a paraeducator general paraeducator certificate as in statute.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.150.203, 28A.410.062, 28A.630.400, 28A.660.040, 28A.660.042, and 28B.50.891.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Concerning the general paraeducator certificate per statute.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting David Brenna, 600 Washington Street, Olympia, WA 98504, phone 360-725-6238, fax 360-586-4548, email david.brenna@k12.wa.us, web site www.pesb.wa.gov.

February 13, 2019  
David Brenna  
Senior Policy Analyst

**WSR 19-05-062**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SECRETARY OF STATE**

[Filed February 18, 2019, 1:21 p.m.]

Subject of Possible Rule Making: Implementation of the VoteWA voter registration system.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 29A.04.630.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The office of the secretary of state and local county election officials are in the process of installing a new voter registration system called VoteWA. The system will change elements of the voter registration and election management process. Rules will need to be adjusted or drafted to support the new processes and procedures.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Sheryl Moss, P.O. Box 40229, Olympia, WA 98504, phone 360-902-4146, fax 360-664-4619, email sheryl.moss@sos.wa.gov, web site vote.wa.gov; or Stuart Holmes, P.O. Box 40229, Olympia, WA 98504, phone 360-725-5794, fax 360-664-4619, email stuart.holmes@sos.wa.gov, web site vote.wa.gov.

February 19, 2019  
 Mark Neary  
 Assistant Secretary of State

**WSR 19-05-066**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**GAMBLING COMMISSION**

[Filed February 19, 2019, 8:11 a.m.]

Subject of Possible Rule Making: The gambling commission is considering amending its rules to allow gambling equipment to be connected to a secure cellular modem for billing purposes.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 9.46.070.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Under current rules, gambling equipment can only be connected to external tools through a closed network. A rule-making petition was received, and accepted, to modify gambling equipment rules to allow gambling equipment to be connected to a secure cellular modem to allow manufacturers a new billing option where the establishment would only be billed for the amount of time that the equipment is in use.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Negotiated rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Ashlie Laydon, P.O. Box 42400, Olympia, WA 98504-2400, phone 360-486-3473, fax 360-

486-3624, TTY 360-486-3637, email rules.coordinator@wsgc.wa.gov, web site www.wsgc.wa.gov.

February 19, 2019  
 Ashlie Laydon  
 Rules Coordinator

**WSR 19-05-073**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF HEALTH**  
 (Dental Quality Assurance Commission)

[Filed February 19, 2019, 2:19 p.m.]

Subject of Possible Rule Making: WAC 246-817-601, 246-817-610, 246-817-620 and 246-817-630, dental infection control. The dental quality assurance commission (commission) is considering rule amendments or repeals and creating new sections to update dental infection control practice standards.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 18.32.002 and 18.32.0365.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The current rules are outdated, amendments or repeals and new sections may be necessary to ensure current infection control practice standards are being followed. Up-to-date infection control practice standards are necessary to prevent disease transmission in oral health care. The scope of the initial CR-101 filed on September 9, 2016, as WSR 16-19-021 was too narrow to pursue new sections related to additional dental infection control practice standards not listed in current rules.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Collaborative rule making.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jennifer Santiago, P.O. Box 47852, Olympia, WA 98504, phone 360-236-4893, fax 360-236-2901, TTY 360-833-6388 or 711, email jennifer.santiago@doh.wa.gov, web site www.doh.wa.gov.

Additional comments: Stakeholders may sign up for the program's interested parties list (GovDelivery) at <https://public.govdelivery.com/accounts/WADOH/subscriber/new>. All rule-making notices will be emailed via GovDelivery. Rule development will take place in open public meetings prior to a formal rule proposal and comment period.

February 19, 2019  
 Trina Crawford  
 Executive Director

**WSR 19-05-075**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed February 19, 2019, 2:52 p.m.]

Subject of Possible Rule Making: Walking-working surfaces, chapter 296-24 WAC, General safety and health standards and chapter 296-876 WAC, Ladders, portable and fixed.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17-060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In November 2016 the federal Occupational Safety and Health Administration (OSHA) issued a final rule updating its general industry walking-working surfaces standards. Consequently, the division of occupational safety and health (DOSH) will be amending our rules to make them at-least-as-effective-as OSHA, as required by the Washington state plan.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carmyn Shute, Administrative Regulations Analyst, Department of Labor and Industries, DOSH, P.O. Box 44620, Olympia, WA 98504-4650, phone 360-92-6081 [360-902-6081], fax 360-902-5619, email Carmyn.Shute@lni.wa.gov, web site www.lni.wa.gov.

February 19, 2019  
 Joel Sacks  
 Director

**WSR 19-05-076**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed February 19, 2019, 2:53 p.m.]

Subject of Possible Rule Making: The department is conducting rule making specifically related to fall protection requirements and references included in chapter 296-155 WAC, Construction work; chapter 296-24 WAC, General health and safety, Part A, Part J and appendices; chapter 296-800 WAC, Core rules; chapter 296-32 WAC, Telecommunication; chapter 296-45 WAC, Electric power generation, transmission and distribution; chapter 296-56 WAC, Longshore, stevedore and waterfront related operations; chapter 296-59 WAC, Ski area facilities and operations; chapter 296-78 WAC, Sawmills and woodworking operations; chapter

296-79 WAC, Pulp, paper, and paperboard mills and converters; chapter 296-301 WAC, Textile industry; chapter 296-304 WAC, Ship repairing, ship building and shipbreaking; chapter 296-307 WAC, Agriculture, Part O; chapter 296-863 WAC, Forklifts and other powered industrial trucks; chapter 296-869 WAC, Elevating work platforms; chapter 296-870 WAC, Powered platforms; chapter 296-874 WAC, Scaffolds; chapter 296-876 WAC, Ladders, portable and fixed; and chapter 296-878 WAC, Window cleaning.

This rule making will possibly create new chapter 296-880 WAC, Unified fall protection.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17-060.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: In June 2013 and October 2015 the division of occupational safety and health (DOSH) received notification from the federal Occupational Safety and Health Administration (OSHA) relating to DOSH's fall protection standards. The latest notification advised the department that DOSH needed to amend our fall protection rules in chapter 296-155 WAC in order for them to be at-least-as-effective-as those administered by OSHA. This rule making will consider changes to the rules to make them at-least-as-effective-as OSHA, as required by the Washington state plan.

In addition, this rule making will consider incorporating fall protection requirements from multiple DOSH rules into one chapter applicable to all industries. During public meetings held in the fall of 2016 and 2018, stakeholders supported the creation of a unified fall protection rule and believe it will be easier to implement and help protect workers from fall hazards. By creating a unified fall protection rule, some existing requirements may be changed to ensure alignment and consistency and references to the existing requirements will need updating.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Carmyn Shute, Administrative Regulations Analyst, Department of Labor and Industries, DOSH, P.O. Box 44620, Olympia, WA 98504-4650, phone 360-92-6081 [360-902-6081], fax 360-902-5619, email Carmyn.Shute@lni.wa.gov, web site www.lni.wa.gov.

February 19, 2019  
 Joel Sacks  
 Director

**WSR 19-05-084****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**

(Aging and Long-Term Support Administration)

[Filed February 20, 2019, 8:57 a.m.]

Subject of Possible Rule Making: The department is planning to amend WAC 388-106-0300 What services may I receive under community options program entry system (COPEs) when I live in my own home?, and other related rules as may be required.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.08.090.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Centers for Medicare and Medicaid Services (CMS) approved the addition of two additional services in COPEs, a 1915 (c) waiver, in August 2018. The department is planning to add these services to the COPEs WAC: (1) Community choice guiding (CCG), to assist an individual establish or stabilize a community living arrangement; and (2) Community supports: Goods and services which will provide necessary goods and services for individuals who choose to move from a residential living arrangement to an in-home setting. Also, the home health aide benefit was removed from the COPEs waiver and needs to be removed from WAC.

Currently, state funded Washington roads provides CCG and stabilizing goods and services to individuals already residing in the community who are at risk of losing their current setting of care. By adding these services to the COPEs waiver, the state can receive federal match while providing stabilizing services to individuals in the community to prevent unnecessary institutionalizations.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: None.

Process for Developing New Rule: DSHS welcomes the public to take part in developing the rules. Anyone interested should contact the staff person identified below. At a later date, DSHS will file a proposal with the office of the code reviser with a notice of proposed rule making. A copy of the proposal will be sent to everyone on the mailing list and to anyone who requests a copy.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Angel Sullivan, P.O. Box 45600, Olympia, WA 98504, phone 360-725-2495, fax 360-407-7582, TTY 360-493-2637, email angel.sullivan@dshs.wa.gov.

February 19, 2019  
Katherine I. Vasquez  
Rules Coordinator

**WSR 19-05-090****PREPROPOSAL STATEMENT OF INQUIRY  
DEPARTMENT OF AGRICULTURE**

[Filed February 20, 2019, 10:41 a.m.]

Subject of Possible Rule Making: Chapter 16-303 WAC, Seed assessment, fees for seed services and seed certification. The department is considering amending this chapter to increase seed program fees and establish new fees for services not previously offered or services that are being provided that are not listed in the current fee schedule. In addition, the department is considering making clerical corrections to the address inconsistencies in crop kinds and additional crops listed in each category of crop kind. Also, the department is considering restructuring the fee schedule and revising rule language to provide clarity and allow for easier interpretation of the fees and rules.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 15.49.005 and [15.49].310.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: A recent budget review revealed that the program's fund balance is starting to decline, so it is necessary to increase fees to maintain a six month operating reserve, as well as to add laboratory, field, and office staff for succession planning and to reduce overtime hours worked by current staff. There have been several new services offered since the last time this rule was amended, and since these services are not listed in the current fee schedule, the fees for these services have been charged based on staff time and other expenses. Establishing fees for these new services would increase transparency for customers using these services. The department is also considering making clerical changes, including adding native species not previously included and modifying crop groupings to ensure that all crops are listed under the correct groupings.

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholders. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Rachel Furth, Business Administration and Operations Manager, 1111 Washington Street S.E., Olympia, WA 98504, phone 360-902-1997, fax 360-902-2085, TTY 800-833-6388, email rfurth@agr.wa.gov, web site <https://agr.wa.gov/LawsRules/Rulemaking/>; or Paula Moore, Acting Seed Program Manager, 21 North 1st Avenue, Suite 203, Yakima, WA 98902, phone 509-314-1032, fax 509-454-4395, TTY 800-833-6388, email pmoore@agr.wa.gov, web site <https://agr.wa.gov/Inspection/SeedInspection/ContactUs.aspx>.

February 19, 2019  
Jessica Allenton  
Assistant Director

**WSR 19-05-091**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Filed February 20, 2019, 10:49 a.m.]

Subject of Possible Rule Making: WAC 392-126-004 through 392-126-104, Finance—Shared leave.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 28A.400.380, 41.04.650 through 41.04.665.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: Pursuant to RCW 28A.400.-380, every school district board of directors and educational service district superintendent may, in accordance with RCW 41.04.650 through 41.04.665, establish and administer a leave sharing program for their certificated and classified employees. RCW 28A.400.380 further authorizes the office of superintendent of public instruction (OSPI) to adopt standards establishing (1) appropriate parameters for the program that are consistent with RCW 41.04.650 through 41.04.665, and (2) procedures to ensure that the program does not significantly increase the cost of providing leave. OSPI has adopted rules under this authority at WAC 392-126-004 through 392-126-104.

OSPI intends to amend these rules for the purpose of aligning them with the underlying statutes, RCW 41.04.650 through 41.04.665, establishing appropriate parameters and procedures for district shared leave programs, and making technical and housekeeping revisions.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended, or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting T. J. Kelly, OSPI, P.O. Box 47200, Olympia, WA 98504, phone 360-725-6301, fax 360-664-3683, TTY 360-664-3631, email [thomas.kelly@k12.wa.us](mailto:thomas.kelly@k12.wa.us), web site [www.k12.wa.us](http://www.k12.wa.us).

February 20, 2019  
Chris P. S. Reykdal  
State Superintendent  
of Public Instruction